

REMARKS

Favorable reconsideration this application, in light of the following discussion, is respectfully requested. After entry of the foregoing amendment, Claims 26-38 and 50 remain pending in the present application. No new matter has been added.

By way of summary, the Office Action presents the following issues: Claims 26-32, 36-38, and 50 stand rejected under 35 U.S.C. § 103(a) as obvious over Washizaki et al. (European Patent Application Publ'n No. 0 547 327 A1, hereinafter "Washizaki"); and Claims 33-35 stand rejected under 35 U.S.C. § 103(a) as obvious over Washizaki in view of Tuor et al. (U.K. Patent Application Publ'n No. 2 033 947 A, hereinafter "Tuor").

STATEMENT OF SUBSTANCE OF INTERVIEW

Applicants and Applicants' representative wish to thank Supervisory Examiner Tucker and Examiner Orlando for the courtesy of the personal interview granted on July 7, 2009. During the interview, amendments clarifying the claims over the applied references were discussed. Claim amendments and comments similar to those presented during the interview are included herein.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 26-32, 36-38 and 50 stand rejected under 35 U.S.C. § 103(a) as obvious over Washizaki. In light of the several grounds of rejection on the merits, independent Claim 26 has been amended to clarify the claimed invention and to thereby more clearly patentably define over the applied references.

Amended Claim 26 recites a method, including, in part, "adjusting an upper one and a lower one of the multiple reels of film to set aside margins on opposing edges of the

substrate,” “the substrate being a glass sheet.” Applicants respectfully submit that Washizaki and Tuor fail to disclose or suggest those features.

Washizaki concerns a method of applying film to printed circuit boards, not glass panes.¹ That is, Washizaki is silent regarding the feature of “the substrate being a glass sheet,” as recited in amended Claim 26.

Applicants note, in this regard, that glazings and printed circuit boards are far-removed fields of technology, where different technical problems arise. Therefore, it is submitted that a person having ordinary skill in the art wanting to protect glass covered with functional layers had no motivation to look for solutions in the field of printed circuit boards.

Even if the person having ordinary skill had found Washizaki, that reference would not have taught him the feature of “adjusting an upper one and a lower one of the multiple reels of film to set aside margins on opposing edges of the substrate,” as recited in amended Claim 26. On the contrary, Washizaki merely describes “applying the films to the sides of the base plate . . . , so that each of the films completely applied to the base plate has a length corresponding to that of the base plate.”²

Accordingly, Applicants submit that Washizaki fails to disclose or suggest “adjusting an upper one and a lower one of the multiple reels of film to set aside margins on opposing edges of the substrate,” “the substrate being a glass sheet,” as recited in amended Claim 26.

Tuor concerns a window-covering for road vehicles, where “the peripheral marginal zone of the cover part . . . has, in at least one region 4 thereof, . . . no adhesion at all.”³

That is, Tuor merely describes a peripheral marginal zone of a cover part for a window. Tuor is silent with regard to the peripheral marginal zone of the window itself. It is respectfully submitted that Tuor fails to disclose or suggest “adjusting an upper one and a

¹ See Washizaki, col. 1, ll. 24-50.

² Id., col. 5, ll. 8-20.

³ Tuor, at 1, ll. 104-109.

lower one of the multiple reels of film to set aside margins on opposing edges of the substrate,” “the substrate being a glass sheet,” as recited in amended Claim 26.

Accordingly, it is respectfully submitted that Washizaki and Tuor fail to disclose or suggest “adjusting an upper one and a lower one of the multiple reels of film to set aside margins on opposing edges of the substrate,” “the substrate being a glass sheet,” as recited in amended Claim 26. It is further submitted that independent Claim 26 (and all associated dependent claims) patentably distinguishes over Washizaki and Tuor.

With regard to the Official Notice taken with regard to dependent Claims 33-35, Applicants respectfully traverse taking of Official Notice and request that the Office provide evidence to support its assertion. The Court of Appeals for the Federal Circuit has stated that it is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record, as the principle evidence upon which a rejection is based.⁴

Further, Applicants respectfully traverse the taking of Official Notice for the reason that, without the temporal and structural context by which the asserted features are known to the artisan, it is impossible to conclude that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the noticed features with the art of record. Indeed, the context by which those features were allegedly known might itself provide reasons to rebut a *prima facie* case of obviousness. For example, although cutting sheet-like products might have been known, it is submitted that cutting substrates having the features described in Claim 26 might not have been known.

Thus, Applicant respectfully requests that the Office provide evidence that cutting the substrates, as claimed, was well-known in the art.

⁴ In re Zurko, 258 F.3d 1379, 1385 (2001); MPEP § 2144.03.

CONCLUSION

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the present application, including Claims 26-38 and 50, is patentably distinguished over the cited art and is in condition for allowance. Such an allowance is respectfully requested at an early date.

Respectfully submitted,

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